

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Anthony Gene Trappier,)	
)	
Petitioner,)	
)	C/A No.: 5:18-cv-3205-TLW
v.)	
)	
Warden B M Antonelli,)	
)	
Respondent.)	
)	

ORDER

Petitioner Anthony Gene Trappier, proceeding *pro se*, filed this petition pursuant to 28 U.S.C. § 2254. ECF No. 1. This matter now comes before the Court for review of the Report and Recommendation (the Report) filed on December 28, 2018, by United States Magistrate Judge Kaymani D. West, to whom this case was previously assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(c), (D.S.C.). ECF No. 15. In the Report, the Magistrate Judge recommends summarily dismissing the petition. *Id.* The deadline to object to the Report was January 11, 2019. However, Petitioner did not file objections to the Report or otherwise respond.

The Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the

recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Report and relevant filings and notes that Petitioner has not filed objections to the Report. Therefore, for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report, ECF No. 15, is **ACCEPTED**, and this action is **DISMISSED** without prejudice based on Petitioner's failure to show that he was in custody under the conviction or sentence being challenged.¹ *See Maleng v. Cook*, 490 U.S. 488, 490–91 (1989).

The Court has reviewed this Petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Terry L. Wooten
Senior United States District Judge

April 10, 2019
Columbia, South Carolina

¹ The Court also notes that Petitioner concedes he has not raised the instant matter in a state post-conviction motion or habeas petition, and the state courts of appeals have not adjudicated the issues stated in his § 2254 petition. Therefore, the petition should also be dismissed for Petitioner's failure to exhaust his state remedies. ECF No. 1 at 3–6.